

REMARKS

The drawings have been objected to under 37 CFR 1.83 (a). The Examiner points out that the various items claimed in claims 11, 12, 13, 15, 16, 17, 18 and 21 must be shown or the features cancelled from the claims.

Applicant has cancelled claims 11, 12, 13, 15, 16, 17, 18 and 21 so that this objection has become moot.

The Examiner objects to the lack of capitalization of the use of the trademark Velcro on pages 3 and 5.

Applicant has amended the specification to capitalize those two words at the places indicated, and thus it is respectfully submitted that this objection to the specification has been overcome.

The disclosure has also been objected to because of an informality on page 6, line 6, in that a fractured sentence begins the paragraph. This fractured sentence has been cancelled from the specification, thus the objection in this regard has also been overcome.

Rejection of Claims under 35 U.S.C. §112

Claim 10 has been rejected under 35 U.S.C. 112, in that it uses the term Velcro which the Examiner maintains renders the claim indefinite. Claim 10 has been amended by insertion of the term "a hook and loop closure mechanism" in place of the term Velcro, and it is respectfully submitted that this overcomes the objection of claim 10 with respect to indefiniteness.

Claims 9/3-18/3 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards to the invention.

The Examiner points out that the use of the term "ends that can be closed" in claims 9-14, "ends that can be secured" in claim 15, and "ends for closing the openings" in claims 15-18 are indefinite as claim 3, which they depend on, only positively claims 1 end with an opening. It is the Examiner's position therefore that the plural ends lack antecedent basis, and are therefore indefinite.

Applicant has deleted reference to claim 3 in each of the claims objected to, and thus this objection has now also become moot.

Rejection of Claims under 35 U.S.C. §102(b)

Claims 1, 3, 5/1,3, 7/1,3, 8/1,3, 19/1,3, 20/1,3, 22/1,3, 23/1,3 and 24/1,3 have been rejected under 35 U.S.C. 102(b) as being anticipated by Schulman (US 6, 190,045). The Examiner states that Schulman discloses a pouch having a first opening in one end, a second opening in the opposite end where the pouch is shaped so the width near the middle is wider than the width at either of the end openings.

The Examiner further states that Schulman discloses the pouch as round in shape, and elongated, and further being composed of washable fabric, meeting the applicants claimed limitation of "cloth". Further, the Examiner states that Schulman further discloses the pouch having a handle (2) attached for carrying, said handle being a loop, which could alternatively be seen as a hole, allowing the pouch to be hung on a peg or dowel (1).

Applicant's disagree with the Examiner's characterization of Schulman, but have amended claim 1 and those claims dependent upon it in a manner which it is believed distinguishes the subject invention from the Schulman invention.

Specifically, claim 1 has been amended to recite an elliptically shaped pouch and has further combined claim 1 and claim 2 to recite that the first opening is wider in diameter than the second opening.

The basis for the amendments to the claims are found in the drawings which show an elliptically shaped pouch having two openings, one at each end, where the first of the openings is larger than the second of the openings.

Such a pouch is not shown by Schulman, and thus it is respectfully submitted that the rejection under 35 U.S.C. §102(b) has been overcome.

The same considerations can also be applied to the rejection of the claims on the basis of the references set forth in paragraph 9, 10, 11, 12, 13 and 14 as set forth in the Office Action.

It is not believed essential to discuss each of these references in detail, as the amendments to claim 1, and the inclusion of the limitations of claim 2 into claim 1 have addressed and overcome each of the issues set forth in the respective paragraphs.

Rejection of Claims under 35 U.S.C. §103

Certain of the claims have also been rejected under 35 U.S.C §103, on the basis of references set forth in paragraph 15, 16, 17, 18 and 19 of the Office Action. Without going into specific detail on each of the references cited, it is respectfully submitted that with the amendments to claim 1 and the cancellation of claim 2, the amended claim 1 and those dependent upon it, is not obvious in view of the prior art references, because none of them suggest an elliptically shaped pouch having two openings, one of which is larger in diameter than

the other. The same considerations can be applied to claim 3 because the limitation of an elliptically shaped pouch as also been applied to it.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that the amendments to the claims overcome the rejections under 35 U.S.C. §112, 35 U.S.C. §102 and 35 U.S.C. §103, and for that reason it is respectfully submitted that all remaining claims are allowable.

If for any reason, this application is not believed to be in full condition for allowance, Applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. §2173.02 and §707.07(j) in order that the undersigned can place this application in fully allowable condition.

Such action is respectfully requested.

Respectfully submitted,

Randick O'Dea & Tooliatos, LLP

By:



John Nielsen

Attorneys for Applicant William Terry

5000 Hopyard Road, Suite 400
Pleasanton, CA 94588
Email: pmartin@randicklaw.com
Phone: 925-460-3700
Fax: 925-460-0969